

**SULLIVAN &
WORCESTER**

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August 8, 2011

By Fax

Hon. Andrew J. Peck
United States Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

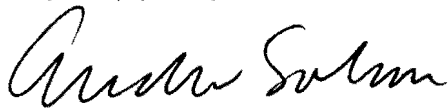
Re: 12 East 12 Associates, LP v. Whistler Tree, Inc., 11 Civ. 2969 (DLC) (AJP)

Dear Judge Peck:

This firm represents the plaintiff, which is the owner of the Gotham Bar and Grill. We write to request the Court to reschedule the settlement conference currently scheduled for Friday, August 12 to either Monday or Tuesday, August 15 or 16. The reason for the request is that one of the two main client representatives, both of whom would like to attend the mediation, sustained a significant knee injury (a blow out) and is having trouble getting around this week. He tells me, however, that he should be much more mobile next week, with the benefit of additional rest.

I presented the circumstances behind this modest request (the delay is only a weekend) to counsel for defendants. Counsel refused.

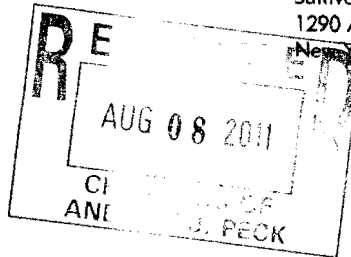
Very truly yours,



Andrew T. Solomon

cc: Kevin Malek, Esq.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED 660 3000
F 212 660 3001
DOC#
DATE FILED: 8/8/11



MEMO ENDORSED 8/8/11

Request DENIED. I would have liked to reschedule the plaintiff but it is a "unilateral" decision and cannot my schedule. Plaintiff is fully booked and cannot reschedule a settlement conference.

SO ORDERED:
Hon. Andrew J. Peck
United States Magistrate Judge

BY FAX

5/11/11 (AJP) [Signature]

{N0278591; 1}

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

**Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312**

**Fax No.: (212) 805-7933
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Dated: August 8, 2011

Total Number of Pages: 2

TO	FAX NUMBER
Andrew T. Solomon, Esq.	212-660-3001
Kevin N. Malek, Esq.	503-805-8478

TRANSCRIPTION:

MEMO ENDORSED 8/8/11

Request DENIED. I would have liked to accommodate the plaintiff, but I am on "criminal duty" all of next week and my schedule therefore is fully booked and cannot accommodate a settlement conference.

Copy to: Judge Denise L. Cote